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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/779,308

02/17/2004

Gary Barron

HON158

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34356

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10/13/2004

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EXAMINER

TREMBLAY, MARK STEPHEN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,308

Applicant(s)

BARRON, GARY

Examiner

Mark Tremblay

Art Unit

2876

A

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent #5,884,271 to Pitroda ("Pitroda" hereinafter) in view of U.S. Patent #5,767,896 to Nemirofsky ("Nemirofsky" hereinafter).

Pitroda discloses a multifunctional data card for carrying personal information about a user, said card comprising:

a housing having a generally rectangular shape (see figures 1, 3) and including a keypad (see e.g. figures 9-21) for initializing a selected program and for entering a user access code unique to the selected program,

a microprocessor 33 disposed within said housing and being programmable via said keypad for processing data associated with a plurality of banking accounts (see figure 4) that are owned by a user;

a display panel 30 operably connected to said microprocessor and for displaying information associated with the selected program so that a vendor may access data corresponding to the selected program;

a fingerprint pad (see claim 9) attached to said microprocessor for verifying a cardholder identity;

a memory connected to said microprocessor (see figure 3) and for storing user data therein so that said card will be switched to an inoperable mode after a predetermined number of unauthorized attempts to access said card have been executed, and

a power supply source 301 disposed within said housing and electrically coupled to said microprocessor.

Pitroda does not disclose the display of a bar code to input information to a vendor.

Nemirofsky discloses that a bar code may be displayed on a smart card LCD in order to display and redeem coupons by having a vendor scanning them in at a POS. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the card of Pitroda in a coupon redemption scheme as taught by Nemirofsky by having the display of Pitroda output a bar code, as taught by Nemirofsky, because this arrangement would allow the holder of a card according to Pitroda to redeem coupons, at shops, thereby increasing sales for the shops.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


U. S. Patents #5,907,142, #6,012,636, and #5,623,552 are cited for showing fingerprint scanners on smart cards.

U. S. Patents #5,192,947 and #4,667,087 are cited for showing smart cards which display bar codes.

U. S. Patent #5,276,311 is cited for showing another multi-function smart card.

Voice

Inquiries for the Examiner should be directed to Mark Tremblay at (571) 272-2408. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (571) 272-2398. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.


MARK TREMBLAY
PRIMARY EXAMINEE

October 1, 2004